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Supreme Court of the United States

OCTOBER TERM 1975

NO. 74-1612

DR. HERMAN EGER, PETITIONER

V.

STATE OF FLORIDA, RESPONDENT

ON ORDER OF UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT

JURISDICTIONAL STATEMENT

DR. HERMAN EGER, PRO SU
15641 N.E. 13TH AVE.,
N.MIAMI BEACH, FLA. 33162

ATTORNEY FOR RESPONDENTS

JOEL D. ROSENBLATT OF
ROBERT L. SHEVIN'S OFFICE
1350 N.W. 12TH AVE.,
MIAMI, FLORIDA

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IN THE
SUPREME COURT OF THE UNITED STATES

NO.

DR. HERMAN EGER, PETITIONER

VS.

STATE OF FLORIDA, RESPONDENT

PETITION FOR CERTIORARI ON APPEAL FROM U.S. COURT OF APPEALS, FIFTH CIRCUIT

A JURISDICTIONAL STATEMENT

INTRODUCTION

APPELLANT APPEAL FROM THE ORDER OF UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT ENTERED APRIL 9, 1975, CASE NO. 74-3899. ALL THE COURTS REFUSED TO ADMIT THAT APPELLANT-PETITIONER HAD BEEN WRONGFULLY CONVICTED BECAUSE THE FLA. STATE BOARD OF DENTISTRY HAD A GRUDGE AGAINST PETITIONER (CASE NO. 70-1164 DISTRICT COURT OF APPEAL OF FLA. THIRD DISTRICT, SUPREME COURT OF FLA. CASE NO. 40 873 , U.S.DISTRICT COURT SOUTHERN DISTRICT OF FLA. CASE NO. 70-1885-CIV-CA) ; FLA. STATE STATUTE IS UNCONSTITUTIONALLY VAGUE; THAT PETITIONER HAD BEEN DENIED HIS CONSTITUTIONAL RIGHT TO FULL FAITH AND CREDIT FOR THREE SEPARATE LICENSES IN THREE SEPARATE STATES TP PRACTICE DENTISTRY IN THE STATE OF FLA., DUE PROCESS OF LAW , AND EQUAL PROTECTION OF THE LAWS. PETITIONER SUBMITS THIS STATEMENT TO SHOW THAT THIS COURT HAS JURISDICTION AND THAT SEVERAL SUBSTANTIAL QUESTIONS ARE INVOLVED.

OPINION BELOW

PETITIONER WAS CONVICTED ON SEVEN COUNTS MAY 29, 1973 IN THE CIRCUIT COURT ,ELEVENTH JUDICIAL CIRCUIT OF FLORIDA IN AND FOR DADE COUNTY FOR PRACTICING DENTISTRY WITHOUT A LICENSE. ON APPEAL THE DISTRICT COURT OF APPEAL MODIFIED THE CONVICTION AS UNREAL AND BEYOND REASON AND SENT THIS CAUSE BACK TO THE CIRCUIT COURT FOR RESENTENCING. EGER V. STATE, 291 SO. 2D 676 {3D.C.A.FLA. 1974 } THE SUPREME COURT OF FLA. LOOKED FOR A TECHNICALITY TO DISMISS APPELLANT'S PETITION FOR CERTIORARI. EGER V. STATE, 297 SO. 2D 28 {FLA. 1974} THE U.S. DISTRICT COURT SOUTHERN DISTRICT OF FLA. DEMANDED OF THE RESPONDENT TRIAL TRANSCRIPT, PETITIONER'S ASSIGNMENTS OF ERROR AND BRIEF, ETC. WHICH THE RESPONDENT, THE STATE OF FLORIDA, IN CONTEMPT FOR THE COURT AND THE U.S. CONSTITUTION , IGNORED COMPLETELY AND FAILED TO PRODUCE YET JOE EATON OF THE U.S. DISTRICT COURT CAME TO A DECISION TO DISMISS WITHOUT ALL THE PERTINENT FACTS DEPENDING PRIMARILY ON THE RESPONDENT'S PREJUDICED OPINION EVEN THOUGH ATTORNEYS FOR RESPONDENT ARE SWORN TO UPHOLD THE LAW AND THE U.S. CONSTITUTION. PETITIONER FILED MOTION FOR JUDGEMENT BY DEFAULT IN FAVOR OF PETITIONER WHICH WAS COMPLETELY IGNORED BY THE COURT. APRIL 9, 1975 THE U.S.COURT OF APPEALS, FIFTH CIRCUIT IN CASE NO. 74-3899 AFFIRMED THE DECISIONS AND LACK OF DECISIONS OF THE LOWER COURTS.

JURISDICTION

PETITIONER WAS WRONGFULLY CHARGED WITH PRACTICING DENTISTRY WITHOUT A LICENSE IN THE STATE OF FLORIDA. HE TRIED TO HANDLE HIS OWN CAUSE WITHOUT THE AID OF AN ATTORNEY AS IN HIS EXPERIENCE IN TRYING TO OBTAIN A LICENSE TO PRACTICE DENTISTRY THE SEVERAL LAWYERS HE APPROACHED WERE VERY SHORTLY BOUGHT OUT BY THE MEN WHO REPRESENT THE FLA. STATE BOARD OF DENTISTRY. THIS WAS VERY OBVIOUS BY THE CHANGE OF ATTITUDE OF THESE LAWYERS AFTER THEY CONTACTED THE FLA. THUS WHEN PETITIONER WAS FRAMED BY THE COURTS PETITIONER DID NOT OBTAIN AN ATTORNEY UNTIL THE COURTS KEPT INSISTING THAT HE OBTAIN COUNSEL. THIS WAS HIS UNDOING AS HIS COUNSEL KEPT INSISTING THAT THE ONLY WAY HE COULD GET PETITIONER OUT OF THE CHARGES FILED AGAINST HIM WAS BY THE PETITIONER ADMIT GUILT. IF THIS COURT IS REALLY INTERESTED IN UPHOLDING THE CONSTITUTION OF THE STATE OF FLA. AND OF THE UNITED STATES ALL THEY HAVE TO DO IS TO READ THE ENTIRE RECORD OF THIS CAUSE. THIS THE PETITIONER DOUBTS THAT THIS COURT WILL TAKE THE TIME TO DO AS POWER CORRUPTS THE HUMAN MIND . ALL THE JUDGES OF THE LOWER COURTS INVOLVED IN THIS CAUSE HAD NO RESPECT FOR THE CONSTITUTIONS INVOLVED AND THERE IS NO REASON FOR THE PETITIONER TO EXPECT THIS COURT TO UPHOLD THESE SELF SAME CONSTITUTIONS THAT ALL THE JUDGES AND RESPONDENTS SWORE TO UPHOLD. THIS GREAT NATION IS REACHING IT'S 200TH BIRTHDAY AND ALREADY INDIVIDUALS IN POWER ARE DOING THEIR BEST TO DESTROY IT. ON READING THE ENTIRE RECORD OF THIS CAUSE , IF THIS HAPPENS , IT WILL BE VERY OBVIOUS THAT"DUE PROCESS OF LAW, AND EQUAL PROTECTION OF THE LAWS AND FULL FAITH AND CREDIT WERE THE CONSTITUTIONAL RIGHTS THAT WERE DENIED TO PETITIONER. PETITIONER COULD CITE EVEN THE RESPONDENT COULD CITE

PRECIDENTS BY THE DOZENS BUT IT DOES NOT MEAN THAT IF THE"CONSTITUTION"HAS BEEN VIOLATED IN THE PAST BY MEN IN POWER THAT IT GIVES THIS COURT THE LICENSE TO CONTINUE IN THE VIOLATION OF THE"CONSTITUTION". IF THE JUDGES IN THE LOWER COURTS WOULD HAVE DONE THEIR JOB WELL WITH HONOR AND INTEGRITY INSTEAD OF BECOMING INVOLVED CRIMINALLY THERE WOULD HAVE BEEN NO NEED TO BOTHER THIS COURT. THE CONTEMPT THAT THE JUDGES OF THE COURTS SHOW FOR OUR LAWS AND FOR THE CONSTITUTION SHOWS UP IN THE INCREASE OF CRIME RATES IN THIS GREAT COUNTRY OF OURS. THE JURISDICTION OF THIS COURT IS ALSO CONFERRED BY FEDERAL RULES OF CIVIL AND APPELLATE PROCEDURE TITLE 28 SECTIONS 2103, 1257(2)(3), 1251 (B3); CRIMINAL VIOLATION OF THE U.S. CONSTITUTION BY THE JUDGES OF THE LOWER COURTS; AND PETITIONER HAS BEEN CRIMINALLY BEEN FALSELY MADE TO SUFFER UNDER THE STATE STATUTE OF FLORIDA THAT IS DEFINITELY VOID FOR VAGUENESS WHICH HAS BEEN EXPLAINED IN DETAIL IN THE RECORD OF THIS CAUSE. THE FOLLOWING CASES SUSTAIN THE JURISDICTION OF THIS COURT TO REVIEW JUDGEMENT : ELKINS V. U.S. (1960); UNITED STATES SUPREME COURT ANNOTATED,PARAGRAPH 109C;BOARD OF LIQUIDATION V. MC COMB 92U.S. 531,23L ED 623 PAGE 55. TITLE28 SECTIONS 1738 & 1739

CONSTITUTIONAL PROVISIONS AND STATUTE INVOLVED

A. U.S. CONST., ARTICLE 4 SEC. 2:

.....THE CITIZENS OF EACH STATE ARE ENTITLED TO ALL THE PRIVILEGES AND IMMUNITIES OF CITIZENS IN THE SEVERAL STATES. ... PETITIONER HAS THE PRIVILEGE TO PRACTICE DENTISTRY IN THREE STATES.

B. U.S. CONSTITUTION, AMENDMENT 1:

....CONGRESS SHALL MAKE NO LAW...ABRIDGING THE FREEDOM OF SPEECH,...OR THE RIGHT OF THE PEOPLE PEACEABLY TO ASSEMBLE, AND TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES.

C. U.S. CONSTITUTION, AMEND.14 SEC.1

...NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE U.S...NOR DENY TO ANY PERSON WITHIN IT'S JURISDICTION THE EQUAL PROTECTION OF THE LAWS.

D. U.S. CONSTITUTION ARTICLE 3 SEC.2:

....THE JUDICIAL POWER SHALL EXTEND TO ALL CASES, IN LAW AND EQUITY, ARISING UNDER THIS CONSTITUTION, THE LAWS OF THE U.S. THIS CAUSE IS NOT AGAINST ONE OF THE U.S. AS STATED IN ARTICLE 11 OF THE AMENDMENTS AS THE PETITIONER IS THE DEFENDANT IN THIS CAUSE AND NOT THE PLAINTIFF.

E. U.S. CONST., ARTICLE 4 SEC.1.

....FULL FAITH AND CREDIT SHALL BE GIVEN IN EACH STATE TO THE PUBLIC ACTS, RECORDS, AND JUDICIAL PROCEEDINGS OF EVERY OTHER STATE. THE PUBLIC ACTS OF THE STATES OF PENNSYLVANIA, CONNECTICUT, AND NEW YORK STATE THAT PETITIONER IS A QUALIFIED DENTIST.

F. U.S. CONST., AMEND. 5:

....NO PERSON SHALL BE...DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW;...

G. U.S. CONST., AMEND.8:

....EXCESSIVE BAIL SHALL NOT BE REQUIRED, NOR EXCESSIVE FINES IMPOSED, NOR CRUEL & UNUSUAL PUNISHMENTS INFLICED.

H. U.S. CONST., AMEND.1:

...FREEDOM OF RELIGION, OF SPEECH, OF THE PRESS AND RIGHT TO PETITION.

I. FLA. STATUTES CHAPTER 466:

...."INJUNCTION" DOES NOT SPELL OUT WHEN TO BE USED. 466.08..."CONDUCT EXAMINATIONS TO ASCERTAIN THE QUALIFICATION AND FITNESS OF APPLICANTS FOR LICENSE TO PRACTICE DENTISTRY."

QUESTIONS PRESENTED

1. HAS THE DUE PROCESS OF U.S.CONST., AMEND.5 BEEN DENIED TO PETITIONER? IF THE RECORDS OF THIS CAUSE ARE STUDIED CAREFULLY IT WILL BE NOTED THAT THE RESPONDENTS INCLUDING THE JUDGES OF THE LOWER COURTS, STATE & FEDERAL, BROKE ALL THE RULES YET EXPECT PETITIONER TO ABIDE BY ALL THESE SAME RULES. RESPONDENTS PICKED TWO FALSE WITNESSES WITHOUT WHICH RESPONDENTS HAD NO CASE. THESE WITNESSES WERE IN THE PAY OF RESPONDENTS. NATURALLY, THESE SO CALLED WITNESS WERE WILLING TO PERJURE THEMSELVES AS THEY WERE LOOKING FOR FUTURE EMPLOYMENT BY RESPONDENTS.

A. THE RESPONDENTS REPRESENTED THE FLA. STATE BOARD OF DENTISTRY. PETITIONER HAD TAKEN THIS STATE BOARD TO COURT SEVERAL TIMES AND THIS WAS THEIR WAY TO GET EVEN WHICH IS ONLY NATURAL FOR MEN OF LOW MORAL FIBRE. PETITIONER IS SURE THAT THIS COURT HAS FOLLOWED THE CORRUPTION OF THE JUDGES OPERATING IN THE LOWER COURTS, STATE & FEDERAL, WITHIN THE STATE OF FLA. AND WOULD KNOW

HOW EASILY SUCH JUDGES CAN BE INFLUENCED BY THE FLA. STATE BOARD OF DENTISTRY ESPECIALLY IF THESE JUDGES WOULD HAVE A FRIEND OR A RELATIVE WHOM WOULD LIKE TO PRACTICE DENTISTRY IN THE STATE OF FLA. IT IS ALSO NORMAL FOR JUDGES, EITHER STATE OR FEDERAL, TO STICK TOGETHER.

2. IN THEIR DESIRE FOR VENGANCE DID RESPONDENTS GIVE PETITIONER "EQUAL PROTECTION OF THE LAW" AS GUARANTEED BY U.S. CONST., AMEND.14 SEC.1? PETITIONER LEFT HIS HOME IN PENNA. AND CAME TO FLA. FOR HIS WIFES HEALTH. AS HE FOUGHT BACK AT THE FLA. STATE BOARD OF DENTISTRY FOR NOT PERMITTING HIM TO PRACTICE IN THE STATE IT WAS NORMAL FOR RESPONDENTS TO DO EVERYTHING TO DENY PETITIONER EQUAL PROTECTION OF THE LAW AS THE ENTIRE RECORD WILL SHOW.

3. PETITIONER HAS THE PRIVILEGE TO PRACTICE DENTISTRY IN THREE STATES IN THE U.S. AND HE WAS IMMUNE FROM PROSECUTION FOR USING THIS PRIVILEGE IN THESE STATES HAS U.S.CONST., ARTICLE 4 SEC.2 BEEN VIOLATED IN THE STATE OF FLA. EVEN THOUGH HE NEVER PRACTICED IN THE STATE OF FLA.?

4. HAS THE LOWER COURTS DENIED TO PETITIONER "REDRESS OF GRIEVANCES " AS GUARANTEED BY U.S.CONST., AMEND. 1 AND WILL THIS COURT BY DENYING PETITIONER WRIT OF CERTIORARI ALSO DENY HIM HIS CONST. RIGHT?

5."THE JUDICIAL POWER SHALL EXTEND TO ALL CASES, IN LAW AND EQUITY." HAS THIS JUDICIAL POWER BEEN DENIED TO PETITIONER IN CONTRAVENTION TO U.S.CONST.ARTICLE 3 SEC.2? THAT IS TRUE AND HONEST JUDICIAL POWER. IN ELKINS V. U.S.(1960) THE U.S. SUPREME COURT ANNOUNCED THE DOCTRINE OF

"THE JUDICIAL INTEGRITY" WHICH IS REAL JUDICIAL POWER. HAS PETITIONER BEEN DENIED EQUAL JUSTICE? THERE IS A VERY GREAT QUESTION HERE FOR THIS COURT TO DETERMINE HONESTLY.

6. HAS NOT ONLY THE PETITIONER BUT THOUSANDS OF U.S. CITIZENS BEEN DENIED "FULL FAITH & CREDIT" IN THEIR DESIRE OR NEED TO LIVE IN THE STATE OF FLA? IS THE STATE OF FLA. A SEPARATE KINGDOM AND NOT PART OF THE U.S. AND THEREFORE NOT BOUND BY THE CONST. OF THE U.S. AND THE CONST. IS NOT TO BE OBEYED? WHEN CONGRESS PASSES THE LAW LOWERING THE SPEED ON THE HIGHWAYS TO 55 MILES PER HOUR, FLA. HAD TO OBEY. THE SUPREME COURTS DECISION ON INTEGRATION HAD TO BE OBSERVED BY THE STATE OF FLA. AS WELL AS EVERY OTHER STATE." FULL FAITH & CREDIT SHALL BE GIVEN IN EACH STATE TO THE PUBLIC ACTS, RECORDS, AND JUDICIAL PROCEEDINGS OF EVERY OTHER STATE" AS STATED IN U.S.CONST., ARTICLE4 SEC.2.1. PUBLIC ACTS, RECORDS, & JUDICIAL PROCEEDINGS OF EVERY OTHER STATE SUCH AS CONTRACTS OR AGREEMENTS AS CONTRACTS DIVORCES, MARRIAGES, JUDGEMENTS, CAR REGISTRATIONS, LEGAL PRECEDENTS, MONEY, HIGH SCHOOL & COLLEGE DIPLOMAS, MURDERERS, JAIL ESCAPEES, FELONS ETC. ARE RECOGNIZED FROM STATE TO STATE BECAUSE OF THIS CONSTITUTIONAL ARTICLE. WHY SHOULD NOT"FULL FAITH AND CREDIT" BE OBSERVED AS TO DENTAL LICENSES, MEDICAL LICENSES, ETC.? CUBAN REFUGEES AND OTHER PROFESSIONALS FROM FOREIGN COUNTRIES RECEIVE MORE CONSIDERATION THAN AMERICAN BORN PROFESSIONALS. ARE AMERICAN BORN PROFESSIONALS TO BE DESCRIMINATED AGAINST??? ARE THE PUBLIC ACTS OF THREE STATES WHO CLAIM PETITIONER IS A QUALIFIED DENTIST TO BE IGNORED??

7. WHETHER CHAPTER 466 OF THE FLORIDA STATUTES, UNDER WHICH PETITIONER HAS BEEN WRONGLY ACCUSED AND CONVICTED IS ARBITRARY, CAPRICIOU, VAGUE, AND IN DIRECT VIOLATION OF THE STATE'S POLICE POWER AND THE U.S. CONSTITUTION? WHETHER THIS STATUTE DENIED PETITIONER THE RIGHT TO MAKE A LIVING IN HIS CHOSEN PROFESSION AND DENIES PETITIONER "IMMUNITIES " AGAINST THE RESPONDENT WHO USED THIS STATUTE FOR THEIR OWN NEFARIOUS PURPOSES ?

8. CRUEL AND UNUSUAL PUNISHMENT, IN CONTRAVENTION OF THE EIGHTH AMENDMENT?

STATEMENT OF THE CASE

PETITIONER, DR HERMAN EGER, IN CASE NO. 69-12873 CIRCUIT COURT FILED AGAINST THE FLA. STATE BOARD OF DENTISTRY CLAIMING THAT HE WAS GRADED INCORRECTLY AND WITH PREJUDICE THUS DEPRIVING PETITIONER HIS CONSTITUTIONAL RIGHTS . PETITIONER ALSO FILED COMPLAINT NO. 70-1885 CIV-CA AGAINST THE INDIVIDUAL MEMBERS OF THE FLA. STATE BOARD OF DENTISTRY IN THE DISTRICT COURT IN AND FOR THE SOUTHERN DISTRICT OF FLA. , MIAMI DIV. IN THE SAME COMPLAINT. PETITIONER, AS A GOOD AND PROPER CITIZEN, APPEARED BEFORE A FLA. LEGISLATIVE COMMITTEE IN TALLAHASSEE AS A WITNESS AGAINST THE FLA. STATE BOARD OF DENTISTRY. BECAUSE OF ALL THIS THE FLA. STATE BOARD OF DENTISTRY CONSPIRED WITH THE DISTRICT ATTORNEYS OFFICE TO OBTAIN VENGENCE AGAINST PETITIONER BY TRUMPING UP CHARGES AND OBTAINING TWO PAID SO CALLED WITNESSES WHO WOULD DO ANYTHING FOR MONEY TO PERJURE THEMSELVES AGAINST PETITIONER . THE COURTS BECAME CONSPIRATORS AND A PARTY TO THIS TRAVESTY ON JUSTICE. THE ENTIRE RECORD OF THIS CAUSE WILL VERIFY THE ABOVE.

PETITIONER WAS CHARGED AND CONVICTED OF PRACTICING DENTISTRY WITHOUT A LICENSE BASED ON THE LIES OF TWO SO CALLED WITNESSES...THESE SAME WITNESSES COULD NOT EVEN AGREE ON THEIR LIES. AS THE RECORD WILL SHOW THE PARTIES WHO CALL THEMSELVES THE STATE SWITCHED JUDGES UNTIL THEY OBTAINED A HANGING JUDGE TO BE A PARTY TO THEIR CRIME. PETITIONER IS AND ALWAYS HAS BEEN AN HONORABLE MAN WITH DENTAL LICENSES IN THREE STATES WHICH IS MORE THAN CAN BE SAID FOR THE RESPONDENTS AND THEIR FELLOW CONSPIRATORS.

PETITIONER WAS ORIGINALLY CONVICTED OF SEVEN COUNTS. ON APPEAL THE DISTRICT COURT OF APPEAL, THIRD DISTRICT OF FLA. MODIFIED THE CONVICTION AS"UNREAL AND BEYOND REASON " AND SENT THIS CAUSE BACK TO THE CIRCUIT COURT FOR RESENTENCING. EGER V. STATE, 291 SO.2D 676 {3D D.C.A. FLA. 1974 }. THE SUPREME COURT OF FLA. LOOKED FOR A TECHNICALITY TO DISMISS PETITIONER'S PETITION FOR CERTIORARI . THE SUPREME COURT HAD NO INTEREST IN JUSTICE THUS BECOMING PART OF THE CONSPIRACY. EGER V. STATE 297 SO. 2D 28 {FLA. 1974 } U.S.DISTRICT COURT SOUTHERN DISTRICT OF FLA. DEMANDED OF THE RESPONDENT THE TRIAL TRANSCRIPT, ASSIGNMENT OF ERRORS AND BRIEF ETC. WHICH RESPONDENTS, IN CONTEMPT OF COURT, AND THE U.S. CONSTITUTION, IGNORED COMPLETELY AND FAILED TO PRODUCE, YET, JOE EATON OF THE U.S.DISTRICT COURT CAME TO A DECISION TO DISMISS WITHOUT ALL THE PERTINENT FACTS DEPENDING PRIMARILY ON THE RESPONDENTS PREJUDICED OPINION ALTHOUGH ATTORNEYS WHICH INCLUDES JUDGES ARE SWORN TO UPHOLD THE LAW AND THE U.S. CONSTITUTION.AS THE RESPONDENTS IGNORED THE MANDATES OF THE U.S. DISTRICT COURT PETITIONER, AS THE RECORD WILL SHOW, FILED MOTION FOR JUDGEMENT BY DEFAULT IN FAVOR OF PETITIONER. THIS WAS COMPLETELY IGNORED BY THE COURT, WHO IS

JUDGE EATON. WHEN PETITIONER WAS DENIED JUSTICE BY JOE EATON PETITIONER APPEALLED TO THE U.S.COURT OF APPEALS ,FIFTH CIRCUIT. THE SAME DISHONESTY OF THIS COURT PREVAILED. NOW COMES THE PETITIONER TO THIS HIGHEST COURT IN THE LAND HOPING FOR A LITTLE INTEGRITY IN THE U.S. SUPREME COURT.

THE FEDERAL QUESTION IS SUBSTANTIAL

ONE OF THE MOST CRITICAL QUESTIONS IN OUR COUNTRY TODAY JUDICIAL INTEGRITY AND THE VIOLATION OF HUMAN RIGHTS AS GUARANTEED BY THE U.S. CONSTITUTION. IN ELKINS V. U.S.{1960} THE U.S. SUPREME COURT ANNOUNCED THE DOCTRINE OF "JUDICIAL INTEGRITY". THROUGHOUT HISTORY IT HAS BEEN SHOWN THAT ANY AMOUNT OF POWER TENDS TO CORRUPT AND CORRUPTION HAS CAUSED THE DOWNFALL OF MANY NATIONS. WATERGATE HAS SHOWN WHERE JUDICIAL INTEGRITY CAUSED THE DOWNFALL OF CORRUPTION IN THE MOST HIGH PLACES. WE NEED MORE OF THIS IF THIS GREAT NATION IS TO SURVIVE. THE JUDGES IN THE LOWER COURTS, IN THIS CAUSE, HAVE THE IDEA THAT THEY EITHER HANG TOGETHER OR THEY WILL HANG SEPARATELY.IT IS UP TO THIS COURT OF COURTS NOT ONLY TO PROTECT THE CONSTITUTION BUT TO PUT BACK INTO OUR GOVERNMENT HONESTY AND INTEGRITY. THE PETITIONER, A MAN OF 66 , MAY BE REQUIRED TO MEET THE GREATEST JUDGE OF ALL NATIONS TOMORROW, A WEEK FROM NOW , OR FIVE YEARS FROM NOW, SO IF THIS COURT SHOULD DENY HIS PETITION THE GREATEST DAMAGE WILL BE DONE NOT TO THE PETITIONER BUT TO THE NATION AND TO THE WORLD. WE ARE SUPPOSED TO SET THE EXAMPLE FOR OTHER NATIONS THAT WE HOLD THE RIGHTS OF THE INDIVIDUAL AS A SACRED TRUST NOT TO BE ABUSED BY LITTLE MEN IN OUR BUREAUCRACY . IT IS THESE SAME LITTLE MEN WHO HAVE MADE A SHAMBLES OF THE PROFESSIONS INSTEAD OF KEEPING THESE PROFESSIONS AS

HIGH A PLANE AS THEY DESERVE.

TITLE 28 SECTION 1738 " THE ACTS OF THE LEGISLATURE OF ANY STATE,... SHALL BE AUTHENTICATED...." ACCORDING TO THE DICTIONARY"AUTHENTICATE" MEANS TO VERIFY THE TRUTH. PETITIONER HAS HAD THREE SEPARATE STATES VERIFY AS TO THE TRUTH THAT PETITIONER IS QUALIFIED TO PRACTICE DENTISTRY YET A SMALL GROUP OF POLITICIANS DENY THIS "FULL FAITH & CREDIT" FOR THE STATE OF FLORIDA. EVIDENTLY THESE SAME FLA. POLITICIANS WOULD REQUIRE PETITIONER TO GET MARRIED AGAIN IN FLA. AFTER HAVING MARRIED IN THE STATE OF CONN. TITLE 28 SECTION 1739 " ALL NONJUDICIAL RECORDS OR BOOKS KEPT IN ANY PUBLIC OFFICE OF ANY STATE....SHALL BE PROVED OR ADMITTED IN ANY COURT OR OFFICE IN ANY OTHER STATE". AGAIN IN THE RECORDS OF THREE SEPARATE STATES PETITIONER IS LISTED AS A COMPETANT DENTIST WHICH THE FLA. POLITICIANS REFUSED TO RECOGNIZE. CONTRARY TO THE ABOVE THESE SAME POLITICIANS WRONGFULLY CONSPIRED TO MAKE A FELON OF PETITIONER EVEN WHEN PETITIONER WAS NOT EVEN PRACTICING DENTISTRY ALTHOUGH THE ABOVE AND THE U.S. CONSTITUTION GAVE HIM THIS RIGHT.

THE FEDERAL QUESTION PRESENTED BY THIS PETITION, THEREFORE, ARE SUBSTANTIAL.THEY REQUIRE RESOLUTION OF UNSETTLED LAW IN THE AREA OF FUNDAMENTAL RIGHTS AS APPLIED BOTH TO THE STATES AND THE FEDERAL RULES AND CONSTITUTION. THE SUPREME COURT HAS RULED AGAINST DISCRIMINATION YET THE STATE OF FLA. CONTINUES TO DISCRIMINATE ON MANY PROFESSIONALS WHO COME INTO THE STATE OF FLA. TO LIVE BY UNFAIR EXAMINATIONS AND OTHER PROCEDURES. THIS IS EQUIVALENT TO DISCRIMINATION IN EXAMINATIONS, CONTRARY TO THE CONSTITUTION, FOR BLACKS TO MAKE A LIVING WHEN THEY DESIRE TO MOVE INTO THE STATE OF FLA.

FLA. STATUTE CHAPTER 466 UNDER WHICH PETITIONER HAS BEEN ILLEGALLY AND UNCONSTITUTIONALLY CONVICTED AND MADE INTO A FELON IS VOID FOR VAGUENESS AND UNCONSTITUTIONAL. PETITIONER'S RIGHT OF INTERSTATE TRAVEL HAS BEEN INTERFERED WITH . AS NOTED RECENTLY BY THE U.S. SUPREME COURT:

"THIS COURT LONG AGO RECOGNIZED THAT THE NATURE OF FEDERAL UNION AND OUR CONSTITUTIONAL CONCEPTS OF PERSONAL LIABILITY UNITE TO REQUIRE THAT ALL CITIZENS BE FREE TO TRAVEL THROUGHOUT THE LENGTH AND BREADTH OF OUR LAND UNINHIBITED BY STATUTES, RULES, AND REGULATIONS WHICH UNREASONABLY BURDEN OR RESTRICT THIS MOVEMENT." SHAPIRO V. THOMPSON, 394 U.S.618, 629 (1969). TO REQUIRE THE RETESTING OF A DENTIST WHEREIN ONE UNIVERSITY AND THREE STATES IN THEIR RECORDS CLAIM TO BE QUALIFIED IS UNREASONABLE AND A SHAM USED PRIMARILY TO RESTRICT THE MOVEMENT OF BADLY NEEDED PROFESSIONAL MEN FROM ONE STATE TO ANOTHER. THIS IS IN DIRECT VIOLATION OF THE INTERSTATE COMMERCE CLAUSE OF THE U.S. CONSTITUTION, ARTICLE 1, SEC. 8, AS WELL AS THE "EQUAL PROTECTION" CLAUSE. SOUTHERN PACIFIC CO.V. ARIZONA , 325 U.W.761 (1945)..."THE STATES HAVE NOT BEEN DEEMED TO HAVE AUTHORITY TO IMPEDE SUBSTANTIALLY THE FREE FLOW OF COMMERCE FROM STATE TO STATE...OR INTEFERE WITH IT IN MATTERS WITH RESPECT TO WHICH UNIFORMITY OF REGULATION IS OF PREDOMINANT NATIONAL CONCERN 325 U.S. AT 767,770. PROFESSIONAL DO NOT CONFINE THEIR PRACTICE TO PATIENTS WHO ARE CONSTANT RESIDENTS OF THAT STATE. THEY ALSO HANDLE PATIENTS WHO MAY BE FROM OTHER STATES.THE PRACTICE OF THE PROFESSIONS IN THE HEALING ARTS ARE NATIONAL IN SCOPE AS DEMONSTRATED BY HEALTH AND WELFARE, MEDICARE, THE PURE

FOOD & DRUG ACT, THE VETERAN'S ADMINISTRATION, AND EVEN THE CONTROL OF NARCOTICS. ALL THESE ARE DEFINITELY IN THE HANDS OF THE FEDERAL GOVERNMENT. THE U.S. SUPREME COURT RECENTLY TOOK AWAY THE RIGHT FROM THE STATES TO DETERMINE THEIR RIGHT TO DISCRIMINATE AND FORCED BUSING ON ALL THE STATES. THUS, WE CANNOT TALK ABOUT STATES' RIGHTS WHEN IT IS CONTRARY TO THE U.S. CONSTITUTION . THE LOWER COURTS CANNOT ALWAYS BE RIGHT OTHERWISE THERE WOULD BE NO NEED FOR APPELLATE COURTS.

FLA. STATUTES CHAPTER 466.08..... "CONDUCT EXAMINATIONS TO ASCERTAIN THE QUALIFICATIONS & FITNESS OF APPLICANTS FOR LICENSES TO PRACTICE DENTISTRY."THE WORDS "QUALIFICATIONS & FITNESS" ARE AMBIGUOUS AND VAGUE THUS MAKING THIS CHAPTER UNCONSTITUTIONAL. SEVERAL PEOPLE EACH MAY HAVE DIFFERENT CONCEPTS AS TO WHAT QUALIFIES AN INDIVIDUAL FOR ANY KIND OF ENDEAVOR. THE SAME FOR THE WORD"FITNESS". EVEN THE DICTIONARY IS OR GIVES VAGUE DEFINITIONS FOR THESE WORDS. IN OTHER WORDS THESE WORDS PUTS THE INDIVIDUAL AT THE MERCY OF THE EXAMINERS OR ANY OTHER POLITICIANS.

FLA. STATUTE CHAPTER 466 IS A COMPLETE PARADOX, PROVIDING FOR PUNISHMENT FOR THE PRACTICE OF DENTISTRY WITHOUT A LICENSE YET PERMITTING SOME DENTISTS TO PRACTICE WITHOUT A LICENSE. THE TEETH AND MOUTH ARE NO DIFFERENT IN EITHER CASES. A FEDERAL QUESTION IS INVOLVED WHEREIN DENTISTS WITHIN THE FEDERAL FRAMEWORK ARE PERMITTED TO PRACTICE WITHOUT A FLA. LICENSE. ALL DENTISTS IN THE U.S. ARE LITERALLY WITHIN THE FEDERAL FRAMEWORK. THEY ARE WITHIN THE RULE OF CONGRESS, U.S. PRESIDENT, AND CONSTITUTION AND IT'S LAWS.

CHAPTER 466 OF THE FLA. STATUTES IS VOID FOR VAGUENESS IN THAT IT PROVIDES PUNISHMENT FOR PRACTICING DENTISTRY WITHOUT A LICENSE. IT ALSO PROVIDES FOR THE USE OF THE INJUNCTION. IT DOES NOT STATE WHEN AND WHERE TO USE THE INJUNCTION AND UNDER WHAT CIRCUMSTANCE.

PETITIONER WAS DENIED DUE PROCESS AND EQUAL PROTECTION OF THE LAW AS THE RESPONDENTS FAILED TO OBSERVE THE FOLLOWING RULES, OF THE FLA. RULES OF CIMINAL PROCEDURE. CONTRARY TO RULE 3.122{H} PETITIONER WAS DENIED HIS RIGHT TO CROSS EXAMINE THE STATES WITNESSES, JUDGE RICHARD S. HICKEY PRESIDING. ONE OF THE SO CALLED WITNESSES REPRESENTED THE STATE. CONTRARY TO RULE 3.190{G2} THOR BEHRENS REQUEST FOR CONTINUANCE WAS GRANTED WITHOUT GOOD CAUSE. CONTRARY TO RULE 3.190 {G4} THOR BEHRENS MOTION {ORAL} WAS NOT ACCOMPANIED BY A CERTIFICATE OF THE MOVANT'S COUNSEL THAT THE MOTION WAS MADE IN GOOD FAITH. AS THOR BEHRENS DID NOT FILE AFFIDAVITS CONTRARY TO RULE 3.190{G5} PETITIONER WAS DENIED OPPORTUNITY TO FILE COUNTER-AFFIDAVITS. CONTRARY TO RULE 3.190 {D} TRAVERSE OR DEMURER, THE RESPONDENTS, FLA. STATE BOARD OF DENTISTRY, DR. DENTON, & THOR BEHRENS FAILED TO DENY FACTUAL MATTERS ALLEGED IN PETITIONER'S MOTION TO DISMISS. AS THE SUPREME COURT BROUGHT OUT IN MAPP V. OHIO {1961} "NOTHING CAN DESTROY A GOVERNMENT MORE QUICKLY THAN IT'S FAILURE TO OBSERVE IT'S OWN LAWS, OR WORSE, IT'S DISREGARD OF THE CHARTER OF ITS OWN EXISTENCE." CONTRARY TO RULE 3.230{D } JUDGE EDW. D. COWART IGNORED THE RULE TO DISQUALIFY HIMSELF ON PETITIONER'S MOTION TO DISQUALIFY THUS JUDGE COWART LACKED JURISDICTION.

CONTRARY TO RULE 3.700 THE SENTENCE DELIVERED MAY 29,1973 IN OPEN COURT DIFFERED CONSIDERABLY THAN THE ONE FILED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT. THE ABOVE ARE JUST SEVERAL OF THE MANY RULES OF COURT VIOLATED BY THE RESPONDENTS AND THE COURTS WHICH DUE PROCESS AND EQUAL PROTECTION OF THE LAWS WERE DENIED TO THE PETITIONER. HOW CAN OTHER NATIONS RESPECT A COUNTRY THAT ONLY GIVES LIP SERVICE TO THE WORD "DEMOCRACY? CAN THEY TRUST SUCH A NATION? CUBAN AND VIETNAMISE PROFESSIONALS ARE GIVEN MORE CONSIDERATION THAN U.S. CITIZENS.

RESPONDENTS HAVE INTERFERED WITH PETITIONER'S RIGHT OF INTERSTATE TRAVEL. AS NOTED RECENTLY BY THE SUPREME COURT:

"THIS COURT LONG AGO RECOGNIZED THAT THE NATURE OF FEDERAL UNION AND OUR CONSTITUTIONAL CONCEPTS OF PERSONAL LIABILITY UNITE TO REQUIRE THAT ALL CITIZENS BE FREE TO TRAVEL THROUGHOUT THE LENGTH AND BREADTH OF OUR LAND UNINHIBITED BY STATUTES, RULES AND REGULATIONS WHICH UNREASONABLY BURDEN OR RESTRICT THIS MOVEMENT." SHAPIRO V. THOMPSON, 394 U.S. 618,629 {1969 } WHAT COULD RESTRICT THIS MOVEMENT MORE THAN A MAN'S OPPORTUNITY TO MAKE A LIVING IN HIS CHOSEN PROFESSION THAT HE SPENT SO MANY YEARS IN PERFECTING HIMSELF?

CONCLUSION

THIS APPEAL PRESENTS SUBSTANTIAL FEDERAL QUESTIONS OF PUBLIC IMPORTANCE AND NO QUESTION AS TO ITS JURISDICTION.

RESPONDENT CLAIMS TO REPRESENT THE STATE WHEN THEY ONLY REPRESENT THE SELFISH INTERESTS OF INDIVIDUALS IN GERSTEIN'S DEPT. AND THE MEMBERS OF THE FLA. STATE BOARD OF DENTISTRY BECAUSE PETIT IONER

TOOK THESE MEMBERS TO COURT SEVERAL TIMES INDIVIDUALLY AND AS A GROUP. THIS CAUSE IS NOTHING BUT A CONSPIRACY AGAINST PETTIONER TO MAKE A FELON OF PETITIONER . THIS CRIMINAL CONSPIRACY HAS INVOLVED NOT ONLY THE STATE ATTORNEYS OFFICE BUT EACH AND EVERY COURT INVOLVED TO DATE. THIS INCLUDES THE JUDGES OF THE FEDERAL COURTS. THE JUDGES OF THE STATE AND FEDERAL COURTS HAVE SHOWN THEIR IMPOTENCE AND LACK OF DESIRE TO UPHOLD THE UNITED STATES CONSTITUTION AND THE CONSTITUTION OF THE STATE OF FLA. FLA. CONSTITUTION ARTICLE 1 SEC.1 " ALL POLITICAL POWER IS INHERENT IN THE PEOPLE." WHAT A FARCE. EVIDENTLY THE COURTS ARE NOT SUPPOSED TO FOLLOW THE RULES OF COURT. THEY ARE MADE TO ENTRAP THE POOR UNWARY CITIZEN WHO DOESN'T KNOW ANY BETTER. SOME OF THESE SAME JUDGES HAVE BEEN INVESTIGATED AND HAVE STEPPED DOWN UNDER FIRE.

STATE RIGHTS ARE LIMITED BY THE U.S. CONSTITUTION AND THE INTERPRETATION OF THE CONSTITUTION BY THE SUPREME COURT AS SHOWN IN THE COURTS DECISIONS ON ABORTION AND BUSING. NO STATE HAS THE RIGHT TO DENY ANY CITIZEN THE RIGHT TO MAKE A LIVING IN HIS CHOSEN PROFESSION. NO OFFICIAL , STATE OR FEDERAL , HAS THE RIGHT TO USE THE RULES OR LAWS FOR REVENGE AGAINST ANY INDIVIDUAL WHO HAS USED THE COURTS TO PROTECT HIS RIGHTS.

RESPECTFULLY SUBMITTED;

Dr. Herman Eger

DR. HERMAN EGER, PETITIONER

Dr. Herman EGER,
Petitioner-Appellant,

v.

STATE OF FLORIDA,
Respondent-Appellee.

No. 74-3899
Summary Calendar.*

United States Court of Appeals,
Fifth Circuit.

April 9, 1975.

Following his conviction in a Florida court for the unlawful practice of dentistry, dentist petitioned for habeas corpus. The United States District Court for the Southern District of Florida at Miami, Joe Eaton, J., denied relief and the dentist appealed. The Court of Appeals held that the statutes which enumerate the persons entitled to practice dentistry and which define the practice of dentistry are not unconstitutionally vague and that there was no unconstitutional denial of full faith and credit to the dentist's licenses to practice dentistry in other states.

Affirmed.

1. Statutes ⇐47

Statute, designating persons entitled to practice dentistry, is not unconstitutionally vague. West's F.S.A. § 466.02.

2. Statutes ⇐47

Statute, defining what constitutes the practice of dentistry, is not unconstitutionally vague. West's F.S.A. § 466.04.

3. States ⇐5½

Dentist, convicted of the unlawful practice of dentistry in Florida, was not unconstitutionally denied full faith and credit for his licenses to practice dentistry in other states. West's F.S.A. §§ 466.02, 466.04.

Appeal from the United States District Court for the Southern District of Florida.

Before GEWIN, GOLDBERG and DYER, Circuit Judges.

PER CURIAM:

[1-3] Appellant Eger was convicted in a Florida court of the unlawful practice of dentistry. After exhausting his state remedies, he petitioned the District Court for the Southern District of Florida for a writ of habeas corpus, alleging procedural deficiencies in his state court conviction, unconstitutional vagueness in Fla.Stat.Ann. §§ 466.02, 466.04, and an unconstitutional denial of full faith and credit to his licenses to practice dentistry in other states. The district court denied habeas relief. After a careful review of the record and briefs, we deny appellant's motion for appointment of counsel and affirm the judgment entered below.

Affirmed.

* Rule 18, 5 Cir., Isbell Enterprises, Inc. v. Citizens Casualty Co. of New York et al., 5 Cir., 1970, 431 F.2d 409, Part I.

Synopses, Syllabi and Key Number Classification
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APPENDIX 2A

FILED JUNE 13, 1975

IN THE UNITED STATES SUPREME COURT

DR. HERMAN EGER, :
PETITIONER :
VS. :
STATE OF FLORIDA :
RESPONDENT :
.....

PETITION FOR WRIT OF CERTIORARI FROM DECISION OF UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

NOTICE IS HEREBY GIVEN THAT DR. HERMAN EGER, PETITIONER IN THIS CASE, HEREBY APPEAL TO THE SUPREME COURT OF THE UNITED STATES FROM THE FINAL ORDER OF THE U.S. COURT OF APPEALS, FIFTH CIRCUIT CASE NO. 74-3899 DATED APRIL 9, 1975, BY A THREE-JUDGE COURT.

THIS APPEAL IS TAKEN PURSUANT TO TITLE 28 SECTIONS 1738,1739,2103,1257(2)(3), 1251 (B3).

Dr Herman Eger

DR. HERMAN EGER, PETITIONER

(CERTIFICATE OF SERVICE)